

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DANIEL W. KLINE, #89784

§

v.

§

CIVIL ACTION NO. 2:24-cv-114-JRG-RSP

OFFICER REMMINGTON, ET AL.

§

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Daniel W. Kline, confined within the Cass County Detention Center, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The cause of action was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On February 13, 2025, Judge Payne issued a Report (Dkt. No. 21) recommending that Defendant Cass County Detention Center's motion to dismiss (Dkt. No. 16) be granted—and that Plaintiff's claims against it be dismissed for the failure to state a claim upon which relief may be granted. A copy of this Report was sent to Plaintiff at his last-known address, with an acknowledgment receipt. The docket reflects that Plaintiff received a copy of the Report on February 19, 2025. (Dkt. No. 22). However, to date, Plaintiff has not filed objections.

Because objections to Judge Payne's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge (Dkt. No. 21), is **ADOPTED** as the opinion of the Court. Defendant Cass County Detention Center's motion to dismiss (Dkt No. 16) is **GRANTED**, and Plaintiff's claims against it are **DISMISSED**, with prejudice, for the failure to state a claim upon which relief may be granted.

So ORDERED and SIGNED this 12th day of March, 2025.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE